IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2991 OF 2006

Jitendra Chandulal Parekh .. Applicant
Versus
State of Maharashtra .. Respondent

Ms.Khan for S.S.Anand with Mr.P.D.Gawli and M.M.D.Patel for applicant
Ms.M.H.Mhatre, A.P.P. for State
Mr.M.S.Mohite for original complainant

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th August 2006.

P.C.

. From the record it is clear that when the bail application was preferred before the trial court, investigations were in progress. However, during pendency of the same and before the impugned order rejecting the application came to be passed, investigations were completed, charge sheet and additional charge sheets were filed. In these circumstances, without adverting to the

materials and by merely observing that there is direct evidence of the involvement of the applicant, application for bail could not have been rejected. Learned Judge ought to have applied his mind to the fact that the investigations are complete and both charge sheets are filed. The specific case set up in the application for bail and argued before me has not at been considered. In these circumstances, this application is allowed to be withdrawn with liberty to file fresh application. This application will be considered on its own merits and in accordance with law, without being influenced by the order passed earlier so also the order passed on the present application.

(S.C.Dharmadhikari, J)